
By: **Delegates Owings and O'Donnell**
Introduced and read first time: February 19, 2004
Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Pretrial Release Agencies - Registry of Defendants Recommended for**
3 **Release**

4 FOR the purpose of requiring a pretrial release agency to establish and maintain a
5 registry that contains certain information on each defendant who is
6 recommended for pretrial release by the pretrial release agency; requiring the
7 pretrial release agency to update the registry on a certain schedule; requiring
8 the registry to be readily available to the public and to be located in the clerk's
9 office of each court with jurisdiction over a defendant included in the registry;
10 requiring a pretrial release agency to submit an annual report to the Governor
11 by a certain date each year; specifying the contents of the annual report;
12 requiring a pretrial release agency to prepare the registry and annual report out
13 of its existing budget and prohibiting the agency from accepting or receiving
14 government funds for the production of the report; and generally relating to
15 pretrial release agencies and a registry for defendants recommended for pretrial
16 release.

17 BY adding to
18 Article - Criminal Procedure
19 Section 5-214
20 Annotated Code of Maryland
21 (2001 Volume and 2003 Supplement)

22 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
23 MARYLAND, That the Laws of Maryland read as follows:

24 **Article - Criminal Procedure**

25 5-214.

26 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
27 INDICATED.

1 (2) "NONSECURED RELEASE" MEANS THE RELEASE OF A DEFENDANT
2 FROM CUSTODY PRIOR TO A TRIAL IN WHICH NO FINANCIAL GUARANTEE IS
3 REQUIRED AS A CONDITION OF THE RELEASE.

4 (3) "PRETRIAL RELEASE AGENCY" MEANS A GOVERNMENT-FUNDED
5 AGENCY THAT MAKES RECOMMENDATIONS REGARDING THE PRETRIAL RELEASE OF
6 CRIMINAL DEFENDANTS.

7 (4) "SECURED RELEASE" MEANS THE RELEASE OF A DEFENDANT FROM
8 CUSTODY PRIOR TO A TRIAL IN WHICH A FINANCIAL GUARANTEE, SUCH AS CASH OR
9 SURETY BOND, IS REQUIRED AS A CONDITION OF THE RELEASE.

10 (B) (1) A PRETRIAL RELEASE AGENCY SHALL ESTABLISH AND MAINTAIN A
11 REGISTRY THAT CONTAINS THE FOLLOWING INFORMATION ON EACH DEFENDANT
12 WHO IS RECOMMENDED FOR PRETRIAL RELEASE BY THE PRETRIAL RELEASE
13 AGENCY:

14 (I) THE NAME OF THE DEFENDANT;

15 (II) THE CRIME OR CRIMES WITH WHICH THE DEFENDANT IS
16 CURRENTLY CHARGED AND AWAITING TRIAL;

17 (III) THE NATURE OF ANY CURRENT BENCH WARRANT ISSUED BY
18 THE COURT WITH JURISDICTION OVER THE CHARGE OR CHARGES DESCRIBED IN
19 ITEM (II) OF THIS PARAGRAPH;

20 (IV) THE DATE ON WHICH THE DEFENDANT IS SCHEDULED TO
21 APPEAR IN COURT FOR THE CHARGE OR CHARGES DESCRIBED IN ITEM (II) OF THIS
22 PARAGRAPH; AND

23 (V) WHETHER THE RECOMMENDATION WAS FOR A SECURED
24 RELEASE OR A NONSECURED RELEASE OF THE DEFENDANT.

25 (2) THE PRETRIAL RELEASE AGENCY SHALL UPDATE THE REGISTRY ON
26 A WEEKLY BASIS SO THAT IT CONTAINS CURRENT AND ACCURATE INFORMATION.

27 (3) THE REGISTRY SHALL BE READILY AVAILABLE TO THE PUBLIC AND
28 LOCATED IN THE CLERK'S OFFICE OF EACH COURT WITH JURISDICTION OVER A
29 DEFENDANT INCLUDED IN THE REGISTRY.

30 (C) (1) ON OR BEFORE SEPTEMBER 30 OF EACH YEAR, A PRETRIAL RELEASE
31 AGENCY SHALL SUBMIT TO THE GOVERNOR AN ANNUAL REPORT FOR THE PREVIOUS
32 CALENDAR YEAR.

33 (2) THE ANNUAL REPORT SHALL INCLUDE:

34 (I) THE COMPLETE OPERATING BUDGET OF THE PRETRIAL
35 RELEASE AGENCY;

1 (II) THE NUMBER OF PERSONNEL EMPLOYED BY THE PRETRIAL
2 RELEASE AGENCY;

3 (III) THE NUMBER OF CASES REVIEWED BY THE PRETRIAL RELEASE
4 AGENCY;

5 (IV) THE NUMBER OF RECOMMENDATIONS FOR RELEASE MADE BY
6 THE PRETRIAL RELEASE AGENCY;

7 (V) THE NUMBER OF CASES IN WHICH NONSECURED RELEASE WAS
8 NOT RECOMMENDED BY THE PRETRIAL RELEASE AGENCY;

9 (VI) THE NUMBER OF DEFENDANTS RELEASED ON NONSECURED
10 RELEASE AFTER A POSITIVE RECOMMENDATION BY THE PRETRIAL RELEASE
11 AGENCY;

12 (VII) THE AVERAGE NUMBER OF DAYS DEFENDANTS ARE
13 INCARCERATED BEFORE BEING RELEASED ON THE RECOMMENDATION BY THE
14 PRETRIAL RELEASE AGENCY, WITH STATISTICS THAT DISTINGUISH DEFENDANTS
15 INCARCERATED FOR FELONIES FROM THOSE INCARCERATED FOR MISDEMEANORS;

16 (VIII) THE NUMBER OF CASES IN WHICH THE DEFENDANT WAS
17 RELEASED ON A NONSECURED RELEASE AFTER A POSITIVE RECOMMENDATION BY
18 THE PRETRIAL RELEASE AGENCY AND THE DEFENDANT HAD AT LEAST ONE MISSED
19 COURT DATE WITHIN 1 YEAR AFTER THE DATE OF RELEASE;

20 (IX) THE NUMBER OF CASES IN WHICH THE DEFENDANT WAS
21 RELEASED ON A NONSECURED RELEASE AFTER A POSITIVE RECOMMENDATION BY
22 THE PRETRIAL RELEASE AGENCY AND A BENCH WARRANT WAS SUBSEQUENTLY
23 ISSUED BY THE COURT ON THE DEFENDANT'S FAILURE TO APPEAR ON THE
24 NONSECURED RELEASE;

25 (X) THE NUMBER OF CASES IN WHICH THE DEFENDANT WAS
26 RELEASED ON A NONSECURED RELEASE AFTER A POSITIVE RECOMMENDATION BY
27 THE PRETRIAL RELEASE AGENCY AND A BENCH WARRANT WAS ISSUED BY THE
28 COURT BUT REMAINED UNSERVED AFTER 1 YEAR; AND

29 (XI) THE NUMBER OF CASES IN WHICH THE DEFENDANT WAS
30 RELEASED ON A NONSECURED RELEASE AFTER A POSITIVE RECOMMENDATION BY
31 THE PRETRIAL RELEASE AGENCY AND A WARRANT WAS ISSUED FOR THE
32 DEFENDANT FOR ADDITIONAL CRIMINAL CHARGES WITHIN 1 YEAR AFTER THE
33 DEFENDANT'S RELEASE.

34 (D) A PRETRIAL RELEASE AGENCY SHALL PREPARE THE REGISTRY AND
35 ANNUAL REPORT OUT OF ITS EXISTING BUDGET, AND NO ADDITIONAL GOVERNMENT
36 FUNDS MAY BE ACCEPTED OR RECEIVED BY THE PRETRIAL RELEASE AGENCY FOR
37 THE PRODUCTION OF THE REGISTRY AND ANNUAL REPORT.

38 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
39 effect October 1, 2004.

